IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 7643 of 2005

Between:

Sri Ram Hanuman Muth, rep. by its Mahant Moti Das,
Sri Ram Hanuman Math Temple, Goods Shed Road,
Near Nampally, Hyderabad.

..... PETITIONER

AND

1 The Assistant Commissioner of Endowments, Tilak Road, Hyderabad.
2 Sree Rama Bhaktha Samajam, H.No.11-6-480, Nampally, Hyderabad, rep. by its Secretary.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare the proceedings Rc.No.D/1983/2004, dt.18.03.2005 passed by the 1st respondent as illegal and arbitrary and unjust by issuing an appropriate writ of Mandamus or direction as this Hon'ble Court deems fit and proper.

Counsel for the Petitioner: MR.M.V.S.SURESH KUMAR

Counsel for the Respondent No.1: GP FOR ENDOWMENTS

Counsel for the Respondent No. 2: None appeared.

The Court at the stage of admission made the following :

ORAL ORDER:

Heard both sides. Perused the material placed before me.

Petitioner claims to be the Mathadhipathi. This claim had arisen in the earlier writ petition No. 22938 of 2004 wherein a learned Judge of this Court held as under :

> *"Prima facie, it is evident that the Petitioner has been recognized as Mathadipathi, way back in the year 1996. As long as that order continues, Respondents are not entitled to replace the Petitioner or place anybody above him in the Muth"*
>
> *.*

From the above, it is clear that, prima facie, the petitioner has been recognized as Mathadhipathi since 1996. There is no replacement of the petitioner till date. Therefore, for all purposes, the petitioner is the right person to perform all the rituals as per the tradition and practice.

Now the grievance of the petitioner is that the first respondent gave permission to the second respondent to perform certain poojas and Bhajans in the temple.

The learned Government Pleader for Endowments submits that it is only a permission given to a private body to perform pooja and there is no interference with the management of the petitioner or the rights of the petitioner as Mathadhipathi. This contention cannot be countenanced for the simple reason that in the earlier writ petition when the interference of the Commissioner of Endowments was challenged, this Court passed the above order. Therefore, the Assistant Commissioner cannot do what was prohibited to be done by the Commissioner. Even though the Commissioner is not interfering with the day to day administration or management of the petitioner, still the first respondent is not competent to address any such letter, granting permission to a private body to perform poojas and bhajans. The petitioner alone can give any such

permission. The first respondent has no manner of right to give permission to third parties without the knowledge and concurrence of the petitioner. In other words, it is the right of the petitioner to perform any pooja or to carry out any other activity in the temple.

For the foregoing, the impugned proceedings issued by the first respondent are set aside, for want of jurisdiction.

Accordingly, the writ petition is allowed at the stage of admission. No costs.

07-04-2005

Note:

Issue CC by tomorrow

B/0 ***KVSN***

To

1. The Assistant Commissioner of Endowments, Tilak Road, Hyderabad.

2. Two CCs to GP for Endowments, High Court buildings, Hyderabad.

3. Two CD copies.